

1 fired the gun. It is not important in this case  
2 for you to decide who actually fired the gun, or  
3 which gun killed the three boys. It means certainly  
4 that it was Jordan that killed the three boys, be-  
5 cause one gun put a contact shot in the three boys  
6 and there was two guns involved, three of the bullets  
7 definitely came from one gun, one of the bullets  
8 in each of the three bodies, the contact shots,  
9 came from one gun. A fourth bullet may have come  
10 from that gun, that's the bullet in the head of  
11 Chaney, the fifth bullet came from another gun, that  
12 is the bullet that went through the back of Chaney  
13 and came out and rested in the flabby part of the  
14 stomach on the front. In deciding a case of this  
15 kind you must look for collaboration of what Jordan  
16 said, you must weigh it, test it against your own  
17 common sense and experience. Jordan said, there  
18 were seven or eight men out there, Jordan said  
19 Price arrested the boys, Jordan said Price released  
20 them, Jordan said Posey talked to the Patrol, Jordan  
21 said that Price hit one of them or he thought he  
22 hit one of them as he put them in the car. Jordan  
23 said they had a plan to bury them, if one of those  
24 things is fully and completely positively collaborated  
25 and I say again that this is a conspiracy and not a

murder case. It doesn't matter who fired the shots in determining the guilt or innocence of these defendants, each of or any of the defendants, rather review the testimony. I now review the testimony implicating conclusively implicating beyond a reasonable doubt each of the defendants. Sam Bowers organized the Klan. It was a tightly disciplined organization. He told Jim Jordan that Schwerner was a thorn in the side of the white man. Elimination had to be approved by the Klan, and Killen said, that three times the Imperial Wizard had approved it. After it was over, Killen said that Bowers said that this was the first time that a 'Christian had ever achieved the execution of a Jew.' Sam Bowers, by his own hands, acknowledged that this plan was a Klan conspiracy. Examine, if you will, the code letter that he sent to Delmar Dennis, and I wish to call your attention again, Members of the Jury, to the circumstances under which this letter was received. In the letter was an envelope, there is a stamp on it, its been cancelled, there is a date and a place where it was sent from, there is a person listed as being the person from whom it was sent, and it is sent to Sam Bowers, 820-4th Avenue South, Laurel, Mississippi. This is a letter from Miller pleading

1 to get back in the Klan after he's been abanished  
2 because, I ask you to read this letter, this letter  
3 prepared by Bowers when he talks about his relationship  
4 in dealing with the F. B. I. This is the clearest  
5 and most explicit admission of guilt in Bowers'  
6 involvement with this conspiracy and Bowers' involve-  
7 ment with the Klan I have ever seen. He talks about  
8 the wood business, the Klan, the -----and  
9 the truck drivers were the Klansmen, the secret  
10 organization in the Neshoba County murder, the  
11 F. B. I., the timber scaling investigation, the  
12 F. B. K. investigation, those deep in the swamp were  
13 the killers of the Civil Rights murders. Sam Bowers  
14 admitted his participation further by furnishing  
15 money secretly to Billy Wayne Posey and Wayne Roberts.  
16 The planners were Killen and Price. Price admitted  
17 his participation in it, Member of the Jury, most  
18 important, he admitted his involvement the following  
19 day to that Police Officer, Mike Hatcher, who testi-  
20 fied Wednesday night. Mike Hatcher was the Meridian  
21 police Officer who received not one cent for his  
22 information. He was not a paid informant, he came  
23 here to testify and he testified under oath that on  
24 June 22nd, he saw Preacher Killen in a garage at  
25 the City Line Garage, 516 31st Avenue, Killen told

1 him on the following day, remember this from Mike  
2 Hatcher, remember his testimony, that the Civil  
3 Rights Workers had been taken care of and had been  
4 buried in a dam out from Philadelphia and that the  
5 car had been burned. Killen also stated that he was  
6 at the funeral home that night, and that, in fact,  
7 was his alibi. He organized the Klan. At a secret  
8 meeting of the Klan in Meridian, he said three times  
9 that Schwerner had been approved for elimination by  
10 the State organization. He was at the Bloomo School,  
11 he organized the group to go to the Mt. Zion Church  
12 the church for the Civil Rights Workers. Preacher  
13 Killen is right in the middle of this conspiracy, and  
14 every single person in it. Cecil Price was the look-  
15 out, his unusual patrolling, his unusual inquiries  
16 out in the Longdale community, the detention, the  
17 time of release, that time of release, the contact  
18 shot, all points conclusively to the fact that Price  
19 was right in the middle of this conspiracy. Highway  
20 Patrolman Powe testified that just after 10:25  
21 Posey was looking for Price. Price later admitted  
22 to Dennis when he said that after the defendants were  
23 arrested for the first time that the F. B. I. knows  
24 more about this case than we thought, someone must  
25 be talking, and he concluded that James Jordan was the

1 Jordan must be the man, because he was the only one  
2 that could have hit Chaney that night. Price used  
3 the machinery of law, his office, his power, his  
4 authority, his badge, his uniform, his jail, his  
5 police car, his police gun, he used them all to take,  
6 to hold, to capture and kill. He is responsible for  
7 this conspiracy and accountable under law and under  
8 justice. The two recruiters were Herndon and Harris,  
9 especially to the Klan in Meridian. They knew of  
10 "Goatee" they had been up at the Bloomo school, they  
11 knew of the plot, they were in the Klan and they made  
12 the calls, they didn't go because they were officers.  
13 Station Agent was Akin. He helped the boys get  
14 ready. He had the cars filled up with gas, they  
15 were organized at Akins.

16 BY MR. PIGFORD:

17 Object, Your Honor.

18 BY THE COURT:

19 Overruled.

20 BY MR. HENDRICKS:

21 We would like to make a motion for a mistrial.

22 BY THE COURT:

23 Well that request is overruled, Counsel, that's  
24 argument, its not evidence, go along.

25 BY MR. DOAR:

1 He admitted this to Miller and Dennis. He told  
2 Miller the Mt. Zion Church was burned to get  
3 Schwerner back up there. He was present when Killian  
4 said that Bowers had approved the elimination of  
5 Schwerner. Billy Wayne Posey, the man driving the  
6 car knew the territory. He was at Pilgrim's Store  
7 talking to Powe at 10:26 P. M., when Laurel Weir  
8 asked Mr. Powe if he was absolutely sure it was  
9 Posey, he answered, "in my opinion, yes." He added  
10 that he had red car just like Posey, and he had  
11 chased that car when Jerry Sharpe was driving it.  
12 Posey was in the Bloomo school. Posey was out at  
13 the church, Posey said, "I thought we were after  
14 the white Civil Rights Workers that night." Posey  
15 received two five hundred payments secretly through  
16 Delmar Dennis, the receipts are in evidence.

17 Hop Barnett, the X-Sheriff, was the lookout man.  
18 He came to the Bloomo School on the 16th and said  
19 "the Civil Rights Workers are out at the church."  
20 He went out there and participated in the beatings  
21 of the Negro people out there when they came out of  
22 their church meeting.

23 Patrolman Willis, the only patrolman on duty,  
24 was stationed just South of Philadelphia on Highway  
25 19. He was the city patrolman involved as a look

1 out man. The look out man was Hop Barnett. The  
2 tailer men were Roberts, Jordan, Snowden, Arledge,  
3 Doyle Barnett, and Sharpe. These men, you notice,  
4 were the young ones. The young boys who knew best  
5 about the plan than the others in the Klan, who  
6 knew best about what they were getting into, possibly  
7 not fully aware of what was going to take place  
8 because though it was difficult for them to withdraw,  
9 because it was too late,  
10 but always beside them were other men deep into the  
11 swamp, men of violence and fury, men who were going  
12 to kill anyone who broke away. The most violent of  
13 all was Wayne Roberts. Wayne Roberts is a big man,  
14 he beat the Negroes at the Mt. Zion Church, he was  
15 a hero with blood on his hands, he went to the Bloomo  
16 School, he was present at the meeting when Schwerner  
17 elimination was discussed, he was in the first car,  
18 Killen took him back to Philadelphi with him, Roberts  
19 went with Killen first to make the final arrangements.  
20 Snowden, Arledge, Sharpe their involvement stems  
21 wholly on their identification with Jordan and their  
22 membership in the Klan. Tucker's participation is  
23 the Herman who drove the bulldozer is collaborated by  
24 the physical circumstances. The fact that the word  
25 was passed that they were going to be buried in a  
grave twelve to fifteen feet deep. Burrage and Tucker

1 had such a contract, but the contract had not been  
2 executed at that time. They knew how high that dam  
3 was, but it wasn't a matter of common knowledge  
4 throughout Neshoba County, and the conspirators could  
5 not have known how much earth was going to be piled  
6 on that dam unless Tucker and Burrage or Tucker or  
7 Burrage were involved. Further, that burial was  
8 performed in twenty minutes, and it's true that you  
9 probably could turn on a bulldozer by just turning  
10 your keys, but it's not as simple as all of that to  
11 run the levers, you've got to run the tracks, you've  
12 got to pull the blade, when you push the blade forward  
13 to push the earth forward you've got to raise up that  
14 blade, and move back over it so that the bodies would  
15 be covered. This is no job for anyone who didn't  
16 know how to operate a bulldozer, this is no job for  
17 a bulldozer operator who didn't know the equipment  
18 and who didn't know the conditions and who didn't  
19 know the surroundings. Herman Tucker's participation  
20 is also collaborated by the fact that Herman was  
21 going to take care of the car and Herman testified  
22 that he was an experienced car burner. Olen Burrage  
23 is involved because the burial was on his place.  
24 There is an indispensable inference to me that this  
25 couldn't have been done without his participation.



1 Finally, there's Sheriff Lawrence Rainey. Sheriff  
2 Rainey was present in the Philadelphia area that  
3 night according to the radio calls, he was present  
4 at least in the range of the radio calls late that  
5 afternoon. Sheriff Rainey was present in the jail  
6 at ten minutes until twelve. Sheriff Rainey failed  
7 to act that night, and that in fact puts his Klan  
8 membership and his oath implicates thoroughly  
9 indirectly and puts him fully in this conspiracy.  
10 That leaves only two people.

11 The first is Travis Barnett. I think you should  
12 go out and return a verdict of not guilty against  
13 Travis Barnett. I don't think the verdict and the  
14 evidence is sufficient to warrant us asking you to  
15 find Travis Barnett guilty.

16 With respect to Horace Doyle Barnett however you  
17 have his confession. This confession can only be  
18 considered against him, but I want to run over it  
19 again with you to touch this so that you have it  
20 clearly in your mind. He wrote or the F. B. I. Agent  
21 wrote and he initialled on June 21st I was having  
22 supper at blank blank house, Meridian. Blank called  
23 on the telephone and told blank that the Klan had a  
24 job and wanted to know if I would go. Blank asked  
25 me if I would go and we went to blank in Meridian.

1 We did not know what the job was. Upon arriving  
2 we were met by blank, blank, Jim Jordan and blank.  
3 Blank told us that three civil rights workers were  
4 in jail in Philadelphia and that the three civil  
5 rights workers were going to be released from jail  
6 and that they were going to catch them and give  
7 them a whipping. We were given gloves. Blank, blank,  
8 and Jordan got into my car and we drove to Philadel-  
9 phia. Blank and blank left before we did and we were  
10 told we would meet them there. When we arrived in  
11 Philidelphia we met blank and waited for someone to  
12 tell us where when the three civil rights workers  
13 were being released from jail. While we were  
14 talking blank stated that they had a place to buy  
15 them and a man to run the dozer to cover them up.  
16 This was the first time I realized that the three  
17 civil rights workers were to be killed. About  
18 five or ten minutes after we parked blank came to  
19 the car and said they are going toward Meridian on  
20 Highway 19. We proceeded and caught up to the  
21 Mississippi State Highway Patrol. We pulled into a  
22 store on the left side of the road. We pulled along  
23 side the patrol car and then another car from blank  
24 pulled in between us. I was driving a 57 Ford.  
25 Blank then drove away and we followed. I then drove

1 fast and caught up with the car the three civil  
2 rights workers were in, pulled over to the side and  
3 stopped. About a minute or two later blank came along  
4 and stopped beside my car. Price asked who was  
5 going to stop them and blank said that he would. We  
6 followed the civil rights workers and they turned  
7 off----

8 BY MR. ALFORD:

9 Your Honor please, just a minute. He's quoting names  
10 in this statement and we object to it. Its not there.

11 BY MR. WEIR:

12 Move the Court for a mistrial.

13 BY THE COURT:

14 Overruled, gentlemen, go along.

15 BY MR. DOAR:

16 We followed civil rights workers and turned off  
17 Highway 19 on a side road and drove about a couple  
18 of miles before blank told them to get out and get  
19 into his car. At the junction of 19 and where we  
20 turned off I had let blank out of the car to signal  
21 the fellows in the car, and then it goes and tells  
22 how they take them back up the road and they followed  
23 about a mile up the road. We stopped and blank and I  
24 stopped behind them with about a car length between  
25 each car. Before I could get out of the car blank

1 ran past my car to blank car, opened the left rear  
2 door, pulled Schwerner out of the car, spun him  
3 around so that Schwerner was standing on the left  
4 side of the road with his back to the ditch and said  
5 are you that nigger lover and Schwerner said, sir,  
6 I know just how you feel. Blank had a pistol in his  
7 right hand and then shot Schwerner. Blank then went  
8 back to blank car and got Goodman, took him to the  
9 left side of the road with Goodman facing the road and  
10 shot Goodman. When blank shot Schwerner blank had  
11 his hand on Schwerner's shoulder. When blank shot  
12 Goodman blank was standing within reach of him.  
13 Schwerner fell to the left, Goodman spun around and  
14 fell and then Jim Jordan said save one for me. He  
15 got out of blank car and got Chaney out. I remember  
16 Chaney backing up facing the road and standing on  
17 the back on the other side and Jordan stood in the  
18 middle of the road and shot him. I don't remember  
19 how many times Jordan shot. Jordan then said you did  
20 not leave me anything but a nigger, but at least I  
21 killed me a nigger. Then the three civil rights  
22 workers were then loaded into the back of the 63  
23 Ford wagon. I don't know who put the bodies in the  
24 car but I only put Chaney's foot in the car. Blank  
25 then got into his car and drove back toward Highway

1 19. Blank, blank and Jordan then got into the 63  
2 Ford and started up the road. Blank and blank and  
3 another person who I do not know the name or got into  
4 my car. I do not know the roads we took, but went  
5 through the outskirts of Philadelphia and to the dam  
6 site blank. When we arrived at the dam site someone  
7 said that the blank operator was not there. Blank  
8 and blank and blank and I went in my car to find him.  
9 We drove out to a paved road and about a mile down  
10 the road we saw a blank parked on the left side of  
11 the road. Blank told me to stop and we backed up  
12 to this car. Two men were in the car. Blank said  
13 that they were already down there and blank said to  
14 follow them. I followed the blank back toward the  
15 dam site taking a different road. Blank said its  
16 just a little ways over there and blank and blank  
17 operator walked the rest of the way, and it goes on  
18 we were then about we were there about thirty minutes  
19 when the other fellows came from the dam site in the  
20 63 Ford. Blank got a glass gallon jug and filled it  
21 one half with gasoline to be used to burn the 1963  
22 Ford car. It was about one to one-thirty in the  
23 morning. Blank, blank, Jordan, blank and I then  
24 got into my car and drove back toward Philadelphia.  
25 When we got to Philadelphia blank stopped us and we

1 got blank, blank, blank and blank told us which way  
2 the civil rights workers were leaving town, got about.  
3 It was then about two o'clock. We talked for about  
4 two or three minutes and then someone said we better  
5 not talk about this and blank said I will kill anyone  
6 who talks even if its my brother. We then got back  
7 in the car and drove back to Meridian.

8 Members of the Jury, this is an important case.  
9 It is important to the government. Its important to  
10 the defendants, but most important, its important to  
11 the State of Mississippi. What I say, what the  
12 other lawyers say here today, what the Court says  
13 about the law will soon be forgotten, but what you  
14 twelve people do here today will long be remembered.  
15 Does not everyone see and understand that it was a  
16 matter of absolute necessity that you twelve people  
17 of Mississippi be asked to sit as jurors and judge  
18 this case? These defendants will stand before you  
19 on the record in this case and they will beg of you  
20 for indulgence. In effect they will say as Gloster  
21 said of old as he stood over the body of his slain  
22 king, he begged of the queen say I slew them not he  
23 begged. The queen replied then say they were not  
24 slain, but they are dead. If you find that these  
25 men or that each of them is not guilty of this con-

1        spiracy it would be as true to say that there was  
2        no night time release from jail by Cecil Price,  
3        there were no white knights, there are no young men  
4        dead, there was no murder. If you find that these  
5        men are not guilty you will declare the law of  
6        Neshoba County to be the law of the State of  
7        Mississippi.

8        BY MR. WEIR:

9        We object and move for a mistrial.

10       BY THE COURT:

11       Overruled.

12       (Mr. Doar sat down)

13       ARGUMENT OF MR. WATKINS:

14       Please the Court, Members of the Jury, this  
15       humble argument is presented on behalf of Jimmy  
16       Arledge, James T. Harris, Travis Barnett, one who  
17       needs no argument, Jimmy Snowden, Frank Herndon,  
18       and Wayne Roberts.

19       Member of the Jury, there's no power on earth  
20       that can make the decision of the guilt or innocence  
21       of these defendants on the question of fact, except  
22       you, as how important as your duty is here today,  
23       is how important it is to the defendants. Soon now,  
24       this case will be in your hands as jurors to make  
25       that final decision. Only can this final decision

1 be made other than by you. Its your duty to analyze  
2 the facts and the evidence that you've heard from  
3 the witness stand, and relate that analyses in your  
4 minds as it applied or the law applies to that  
5 analyzes which the Judge will give you at the end  
6 of the arguments of this case. You will be permitted  
7 to consider reasonable inferences where they may  
8 arise, that's correct, but its also your duty and  
9 you have the right to excuse the insight and your  
10 intelligence as it relates to your experiences in  
11 making an analyses of that evidence you will follow  
12 the law that applied to that evidence.

13 Now, you will hear a great deal members of the  
14 jury in this case about a reasonable doubt. The  
15 Court will instruct you that it is the duty of the  
16 Government in this case to prove beyond a reasonable  
17 doubt the guilt of these defendants as charged in the  
18 indictment. Now, just what is a reasonable doubt.  
19 Without some high flying legal language, let's just  
20 talk about a reasonable doubt for just a minute.  
21 When you were selected, each and every one of you,  
22 on this jury at the very beginning of this trial some  
23 eight days ago, I believe that this Court felt like  
24 you were reasonable men and reasonable women, other-  
25 wise you would not have been allowed to remain on



1 this jury, and the lawyers for the defendants and  
2 the lawyers for the Justice Department felt like you  
3 were reasonable men and reasonable women or you would  
4 not have been allowed to remain; therefore, if after  
5 you make your analyses in this evidence in this  
6 case and listen to the law given to you by the Court  
7 and apply the law to this evidence, if arriving from  
8 that evidence or from the lack of that evidence there's  
9 a doubt in the minds of any single one of you, that  
10 is a reasonable doubt. The doubt of a reasonable  
11 man or a reasonable woman. That is my simple explana-  
12 tion of a reasonable doubt. How could it be other-  
13 wise? Now, what's the theory of the Government's  
14 case? Actually isn't it a theory of this case that  
15 here in Mississippi, that there is so much hate  
16 and prejudice in Mississippi that we hate all out-  
17 siders, and that there is a group of people here in  
18 Mississippi so filled with that hate that they conspire  
19 together and meet together organize organizations to  
20 do away and murder outsiders that come into this  
21 State. Isn't that generally the theory of their case?  
22 What are the strong points of their case? Well,  
23 let's go back and see about one or two, that's about  
24 all they have, one or two. Everyone of them are dead.  
25 I believe everyone of us will believe that they are

1 dead. Michael Schwerner, Andrew Goodman, and James  
2 Chaney all are dead. I believe you believed that  
3 before you ever came here, but you swore that that  
4 would not have any bearing on this case whatsoever.  
5 That's one of the strong points of their case because  
6 they want to use that to overshadow a so-called con-  
7 spiracy case. What is another strong point of their  
8 case, that they met their deaths by some criminal  
9 means. I believe that. Could we doubt it? They  
10 want to use that to overshadow this conspiracy case.  
11 They want to use that to overshadow. They want to  
12 overwhelm the charge of conspiracy with what Mr.  
13 John Doar called a midnight murder. That's what he  
14 called it in his argument. There is another point  
15 that might be considered a strong point and that's  
16 Mr. Hatcher's testimony, and Mr. Doar has gone over  
17 that. Yes, I'm glad that he pointed out to you,  
18 Members of the Jury, that there was one witness that  
19 came here that wasn't a paid witness. Mr. Hatcher  
20 was not a paid witness, but what did he tell you?  
21 Mr. Doar related a moment ago that he told you some-  
22 body said that somebody was killed in Philadelphia  
23 and buried in the bottom of a dam. Is that evidence  
24 enough to convict one of them on conspiracy? So  
25 there, their one strong witness, Mr. Hatcher, didn't

1 tell you one thing about any person meeting together  
2 to organize a plan to intimidate, threaten, mistreat,  
3 impair, or kill anyone. That's their one strong  
4 witness, Mr. Hatcher. The rest of it is this  
5 pecuniary, urgency to overshadow this case because  
6 some heinous crime has been committed in the great  
7 State of Mississippi, and they can't connect it up  
8 in regard to a conspiracy.

9 The defendants are not required under the great  
10 system of our government to prove anything. The  
11 Court will tell you that it is not necessary for one  
12 single defendant to take the witness stand or to come  
13 forward and prove one single thing. The mere fact  
14 that an indictment exist against these defendants is  
15 no evidence, whatsoever. The mere fact that they  
16 have been brought here together for you to try  
17 and are accused, is no evidence whatsoever. But,  
18 what did they do? Every single one of the defendants  
19 proved their whereabouts. With whom did they prove  
20 their whereabouts? Well, whatever you might think of  
21 their friends and their relatives who came here to  
22 testify and tell you where they were that night.  
23 Relatives and friends. If you were in trouble who  
24 could come and tell where you were on that night or  
25 on that occasion except your friends and your relatives.

1 tell you one thing about any person meeting together  
2 to organize a plan to intimidate, threaten, mistreat,  
3 impair, or kill anyone. That's their one strong  
4 witness, Mr. Hatcher. The rest of it is this  
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20 their whereabouts? Well, whatever you might think of  
21 their friends and their relatives who came here to  
22 testify and tell you where they were that night.  
23 Relatives and friends. If you were in trouble who  
24 could come and tell where you were on that night or  
25 on that occasion except your friends and your relatives.

1 What did Mrs. Benton say, where did she say he was.  
2 Members of the Jury, I never ask ladies what their  
3 age is, but Mrs. Benton came here and took the stand  
4 and in my judgment she would be about fifty seven  
5 or sixty years of age. Are you going to hold that  
6 that lady came up and held up her hand and swore a  
7 lie? Can you tell yourself that Frank Herndon was  
8 on that night planning a murder? What type of person  
9 was he according to Mrs. Benton.? He was a man going  
10 back and forth to his place of business in attendance  
11 with Mrs. Benton, a two months old child, not a  
12 two year old child, members of the jury, but a two  
13 months old child. Bringing the child milk and bring-  
14 ing Mrs. Benton supper. Did you hear that type of  
15 testimony from paid informers? No, I tell you that  
16 a man that is in attendance with a two months old child  
17 just doesn't have those characteristics of going out  
18 and planning murders. You won't disregard that testi-  
19 mony will you? That still small voice based on that  
20 kind of evidence give rise in your reasonable minds?  
21 Every single one of these defendants produced the  
22 same type of witnesses. Pete Harris, Jimmy Snowden,  
23 Wayne Roberts. You are called upon to disregard every  
24 single one of them and follow the so-called theory  
25 of a conspiracy case which is nothing more than

1 this is what he said, a midnight murder, that he  
2 wants you to overshadow and think it is.

3 You know, when you see the way the sage is blowing  
4 you always know which way the wind is blowing. There  
5 is not doubt in mind that there is some inward national  
6 disease in our cultural society, there's no doubt  
7 about that in my mind, and I don't think there's much  
8 doubt about that in your minds. It might be called  
9 many names. Rioting, if you want to call it that,  
10 demonstration, arguments, COFO workers and organizers  
11 Core workers and organizers, hate peddlers, prejudice,  
12 whatever you may wish to call it by, its a great  
13 hassle on our society and the nation and as a state.  
14 The real reason whatever it is is the absence of love  
15 and presence of disbelief and misunderstanding about  
16 God's purpose for man. There's no doubt about that.  
17 Now, I'm not a hate peddler and I don't believe in  
18 violence in any form. I don't believe in marches,  
19 in rioting, demonstrations, but there is one thing  
20 I do believe, when a person, whatever his flight in  
21 life may be, and however he may characterize himself,  
22 but when he says there is no God and that God is  
23 dead that person whomever he may be exposes himself  
24 to many contradictory evil forces in this world. And  
25 if they come from every numerous sources that you

1 can think of, and I say to you Members of the Jury,  
2 because that is the truth, its no reason why the  
3 strong arm of the Federal Government should come to  
4 Mississippi for three and a half years with their  
5 thousand and thousand of dollars and new jobs and  
6 gather the citizens of this county and others and  
7 point an accusing finger toward us with this type of  
8 testimony, paid informers, distributors of displace,  
9 and scapegoat witnesses. What type of dignity is that  
10 I ask you? I believe in the individual right of  
11 every man every citizen and I believe in the dignity  
12 of that citizen and equality of law for that indivi-  
13 dual, whatever his race or color or creed, and I  
14 believe that you do too. Does the Government really  
15 have any providence in their case? Well, let's see  
16 what they say themself. Mr. John Proctor, John  
17 Proctor is a fine gentlemen, I have great admiration  
18 for him, I feel like he's my friend and I'm certainly  
19 his friend. He took the stand at the request of  
20 the Government, he's a fine F. B. I. Agent, and he  
21 said, "we're still investigating." What's wrong  
22 don't they have any evidence? No, that's an  
23 acknowledgment that they are not certain, they are  
24 not sure, they are still investigating. What kind  
25 of case is this, this is not a murder case, it is

1 supposed to be a simple conspiracy case, said to have  
2 occurred under color of the law. Now, let me talk  
3 with you about this color of the law situation for  
4 just a few minutes. If there was some great power  
5 on earth that came to you as an individual and told  
6 you that you had to do something, and that it wouldn't  
7 be proper for you to do that, that you hand't been  
8 doing it, but you had better go do it, and you went  
9 and tried to do it and while you were trying to do  
10 it, you called in your coroner's jury to investigate  
11 something, doing your duty as representatives of the  
12 great State of Mississippi, somebody came along and  
13 said, "get out of the way, stop, we are doing this,  
14 you don't do that," and when you don't go and do  
15 it they come back and say we're going to prosecute  
16 you, we are going to come in and prosecute this  
17 case ourselves, we didn't want you to prosecute  
18 anybody for murder in Mississippi, why? Because  
19 we don't want to try a murder case in Mississippi  
20 but we want to try a conspiracy case and confuse  
21 the minds of the jury, that's why there are so  
22 many pictures in this world for you to look at,  
23 that's why we don't want you to prosecute it in  
24 Mississippi. Do you call that a conspiracy case?  
25 That's his midnight murder that he wanted you to



1 think about. I ask you, each and every one of you,  
2 not to extend the federal law beyond the instructions  
3 of this Honorable Court. If you consider anything  
4 other than a charge of conspiracy from the evidence  
5 in this case and relate to it, you are extending the  
6 arm of our great government in the state of affairs  
7 wherein I believe yourself appreciate a bow of  
8 powers between the state and federal government. I  
9 believe you believe in the state enforcing its own  
10 law, and in those laws and those laws along and if  
11 this case is overshadowed in the manner in which the  
12 government has presented it, you are certainly doing  
13 nothing more than rescinding a law that the courts  
14 and that Congress themselves have not extended, and  
15 I respectfully ask you not to do that.

16 Now, what about the testimony. Let's go a little  
17 closer to it. For two days, they presented testimony  
18 in this courtroom enmasse. They produced witnesses,  
19 exhibits, yes, exhibits are evidence, they have  
20 produced a tremendous amount of evidence and there  
21 has been a tremendous amount of taxpayers money spent  
22 on this case, and certainly I think that money should  
23 be spent where the law has been violated, but what  
24 did they come up here with? Paid informers. A  
25 person who will testify for money, ladies and gentle-

1 men, when he's being paid for what he says, gets so  
2 close to that fine line, distinguishing between  
3 the truth and what's not the truth. So now, how are  
4 you going to draw the line? What are you going to  
5 base the division of that line on? When he says I  
6 represented myself to be for months and months and  
7 months and now that was all wrong when I made that  
8 representation but I'm here now telling you the  
9 truth because its important, after they received  
10 that money, what division are you going to make?  
11 Let's talk about Wallace Miller. Wallace Miller  
12 testified under oath, if that's worth anything to you  
13 that there were no threats, no intimidation, no  
14 planning, no scheming to harm anybody in his presence.  
15 He professes to be a law enforcement officer. He  
16 told you he joined the Klan in good faith. All right  
17 if he joined the Klan in good faith, and Delmar  
18 Dennis joined the Klan in good faith, and they knew  
19 these things were going on all during 1964 until some-  
20 time late in the Fall when they start getting money  
21 Members of the Jury, what does that show in your minds?  
22 The weakest of the evidence here. The goverhment,  
23 if the government had a known they had been there  
24 when everything was going on that was unlawful would  
25 the government prosecute them? Did they promise them

1 immunity from prosecution also? No, let's don't  
2 extend that type of thing. The Justice Department,  
3 let's look at it like this, they don't have anything  
4 anyway concerning conspiracy, unlawful conspiracy,  
5 because they could not condone others going free and  
6 uncharged so it shows a weakness of that testimony  
7 a weakness of their case. My goodness what cause  
8 would a reasonable woman and a reasonable man be to  
9 give rise to a reasonable doubt in your minds.

10 Well, what was the substance of Miller's testimony?  
11 On cross examination he really sumed it up when he  
12 said they said, my friends he called them his friends,  
13 they said they talked about not liking what the  
14 civil rights workers were doing in the State of  
15 Mississippi. Is that a reason to prosecute anybody  
16 for conspiracy, because they don't like what somebody  
17 is doing and they wish to discuss it? I think there  
18 is about four hundred thousand people in Mississippi  
19 at that time that didn't like what they were doing.  
20 Wallace Miller said he didn't like what they were  
21 doing, Reverend Dennis said he didn't like what they  
22 were doing, and just prior to that time there was  
23 a honorable man running all over the State of  
24 Mississippi saying never, never, never, I don't  
25 like what they're doing. There was another honorable

1 citizen who stood tall because he didn't like what  
2 they were doing. Where are they? Are they being  
3 prosecuted because they stood up and said they didn't  
4 like what they were doing? Oh no, we'll take these  
5 little fellows and take them away from their wives  
6 and their babies on that type of evidence because  
7 they said to someone, because a paid informer said  
8 they said that as they met for whatever reason they  
9 were meeting, and I don't like what the Civil Rights  
10 Workers are doing in Mississippi, what type of  
11 equality is that? What dignity does that dispute of  
12 our great government.

13 Now, I want to talk to you about the Reverend  
14 Delmar Dennis. He's a man of many talents, a man of  
15 the cloth, a writer, and now he's going away and write  
16 some more. He's going to write about this case. A  
17 Judas witness, a Dr. Jekell and a Mr. Hyde all came  
18 during 1964, yet a man of the cloth, a man who people  
19 wished to place their confidence in, keeper of a  
20 snake pits, a distributor of snake reptiles, what  
21 kind of dignity is that? Whatever it was his primary  
22 product here is paid information, paid for information.  
23 Whatever that many may have heard at the meetings he  
24 was in couldn't have been a violation of the law, be-  
25 cause he's here today only as a witness, and as I

1 said a moment ago about Wallace Miller and that about  
2 Delmar Dennis and I say it to your minds in the strong-  
3 est way I know, that any evidence in connection with  
4 this case with regard to conspiracy just doesn't  
5 exist because it is weak. Your government promised  
6 immunity from prosecution. Equality, what kind of  
7 equality do you call this? You know I think about  
8 Delmar Dennis during the time of 1964, he was preach-  
9 ing during that time, he told you he was a Chaplain  
10 for an organization called the White Knights of  
11 the Ku Klux Klan. He told you he met with those  
12 young fellows and called their names for whatever  
13 purpose they were meeting, he told you he had prayer  
14 with them and he talked with them. I wonder if  
15 he talked to them and told them and reminded them  
16 "I shall not bear false witness against God" and  
17 while he was doing that, saying that to them, repre-  
18 senting himself to be something and to represent  
19 something that he was not, something that he was  
20 going to talk about later for the government, talking  
21 about remarks made by defendants, that they didn't  
22 like civil rights workers, to come here with this  
23 type thing to have somebody prosecuted, he must have  
24 misread that great admonition, "A greater love hath  
25 no man than to lay down his life for a friend."

1 With him greater love hath no man for money, and  
2 he exposed someone who placed confidence in him be-  
3 cause they thought he was a man of his word of his  
4 representation. And when he came here, what did he  
5 say? No, Mr. Watkins sir, they didn't want to have  
6 anything to do with Michael Schwerner. Was that  
7 negative? In the meeting you were talking about?  
8 Yes sir. And where is the conspiracy, if there is  
9 no conspiracy, there is no case. Delmar Dennis didn't  
10 like what they were doing. He's a writer and he tells  
11 you about it. I'm going to get to this little pamphlet  
12 in a few minutes, but I want to get to you about the  
13 paid witnesses.

14 Members of the Jury, I know you know what an old  
15 scapegoat is. Its nothing but just an billy goat with  
16 a bell on it, and they use him to bring all of the  
17 other innocent animals into the slaughtering house,  
18 or the slaughtering pen, and when they get there and  
19 they close the gate, the let the old scapegoat go and  
20 they gn on with their slaughtering, and that's exactly  
21 what Jim Jordan is. But the most miraculous thing  
22 about that, I knew the government used that before,  
23 they have in years gone by, and all the times I've  
24 been engaged in the practice of law I never new a  
25 State or a Government in the presentation of their

1 case to try to blow hot and cold in the same  
2 breadth. They got in here and they put Jim Jordan  
3 on the stand and he sat up there with his eyes all  
4 bugged out and he just rattles it off like that, just  
5 exactly what happened, he said. Then, the government,  
6 just a little bit later, brings a statement and say  
7 you ought to convict somebody on which impeaches almost  
8 everything he said. I just don't see how the govern-  
9 ment can have so many theories of these case and  
10 then represent to you there's no reasonable doubts,  
11 there's no mistake. You heard Mr. Doyle say you ought  
12 to turn Travis Barnett loose, well, certainly you  
13 ought to, but that's just an example of the mistakes  
14 they've made about this case and the mistake they are  
15 making about it today. They knew every centilla of  
16 evidence before they came here, the last nine days,  
17 they knew exactly what it was, they can interpellate  
18 it anyway they saw fit, they heckle these men and  
19 their families for three and three and something years.  
20 On his job, in his home or whatever it might be, know-  
21 ing exactly what they have, then all the way to the  
22 United States Supreme Court and back, and then they  
23 sit up here in front of this jury of Mississippi and  
24 say, "are you going to turn them a loose?" What kind  
25 of extension of the arm of the great government is that?

1 Somebody of this type case, the errors, the weakness,  
2 the mistakes, if they consider this so-called confess-  
3 ion of Doyle Barnett of any value or worth anything  
4 these District Attorneys around here would certainly  
5 like to have gotten hold of it to prosecute somebody.  
6 I'm sure old Johnson up there in Philadelphia would  
7 still like to have it. Well, how could it be worth  
8 anything if they are not willing to turn it over and  
9 give the State of Mississippi an opportunity to do  
10 something about it. Remember that little example I  
11 gave you a while ago? They say you've got to do  
12 something and they say you'd better not, they stop  
13 you, then if you don't do it, we're going to do it  
14 for you. That's the type statement or so-called  
15 confession that they, themselves thought was in-  
16 sufficient to turn it over to a Honorable District  
17 Attorney in Mississippi for prosecution. Yet they  
18 ask you to convict these defendants, every single  
19 one of these defendants, except Travis Barnett, don't  
20 make that blaring mistake so that they can be blamed.  
21 What type of so-called confession is that? Mr.  
22 Covington argues that point, because that's his  
23 client, but if you believe that type of thing is worth  
24 anything, they certainly haven't conducted themselves  
25 along that line.



1 I want to talk to you just a few minutes about  
2 the Ku Klux Klan. Now, I don't know whether there  
3 is any Ku Klux Klan organized to work in this area  
4 or not. In your minds you may think so, in my mind,  
5 I may think so, and I don't know where a single  
6 person that I represent is a member of the Ku Klux  
7 Klan, and I'm not here to defend the Ku Klux Klan,  
8 but let's assume here now for a moment for the  
9 sake of this case that everyone of them are a member  
10 of Ku Klux Klan if you want to. You said, after you  
11 took your oath, that if after you heard all of the  
12 evidence, that along would not direct your judgment  
13 toward any guilt in this case, because membership  
14 alone in that organization or any other organization  
15 is sufficient to convict anybody, and I believe his  
16 Honor on the bench will so tell you in his instruc-  
17 tions. Well, I don't intend to defend any organi-  
18 zation, but if you would look at this so-called  
19 constitution on page 28 and read what it says in the  
20 manner in which they have their meetings, according  
21 to Delmar Dennis' testimony, all Klan meetings shall  
22 be conducted in a Christian manner to stimulate the  
23 spiritual awareness and awareness of Almighty God  
24 in all Klan meetings. No intoxicated person nor  
25 those participating in any type of intoxicating

1 beverages will be allowed in or subsequently remain  
2 in any Klan meeting or in its vicinity. Punishment  
3 shall be assessed against any members for violation  
4 of Christian reverence during the meetings. Well,  
5 I don't belong to the Order, I have nothing to do  
6 with it, if the Government knows one thing, they  
7 know that I'm not a member of it, but, if I were  
8 to compare those purposes that the Government has  
9 brought in its evidence, not us, to some of the  
10 organizations that you know are working in this  
11 State of Mississippi, I think it will speak for itself.  
12 The point I'm trying to make, Members of the Jury,  
13 that membership in it, if you believe they were  
14 members, is not guilt, you can not have guilt simply  
15 because of membership in an organization. There is  
16 not one centilla of physical evidence in this case  
17 to connect these defendants in any way with a  
18 conspiracy to do any murder any where, not one  
19 single thing, not one single physical piece of  
20 evidence anywhere can you think of. They have  
21 even acknowledged themselves that it doesn't exist  
22 and then he gets up here and tell you they don't  
23 need physical evidence to set up conspiracy cases,  
24 they need some type of evidence, Members of the Jury,  
25 some type, something must show an unlawful purpose

1 and it must be something, Ladies and Gentlemen of the  
2 Jury other than some person making the remark they  
3 didn't like what was going on in Mississippi, be-  
4 cause if that's a crime, there are a lot of guilty  
5 people in Mississippi. Delmar Dennis, they used him  
6 to try and connect up some type of claim of conspiracy,  
7 he and Wallace Miller, that's what they were here for.  
8 Well, I've already discussed that witness with you,  
9 but I want to take up one more thing with you about  
10 Delmar Dennis and that is this pamphlet. He says he  
11 is a writer and he wrote this pamphlet, strangely  
12 enough, its copyrighted in 1964. He's not being  
13 prosecuted and he says in so in this pamphlet, he  
14 says, "if their lives were miserable, they made it  
15 that way." I don't condone any such statement as  
16 that, but my goodness, isn't that three or four  
17 or five hundred times worse than what these boys  
18 said when they said they didn't like what was going  
19 on in Mississippi. Isn't a statement like that so  
20 much worse? Let's look over here on page 5 of this  
21 exhibit. He just keeps on talking about it. He  
22 says Mississippi is the land of opportunity for all  
23 races, its not the land for idle people of any race  
24 if life in Mississippi is Miserable for the agitators  
25 who come here its because they make it that way.

1       Isn't that more than what my clients said? But he's  
2       not here, except as a fifteen thousand dollar informer.  
3       He says I've lived in Philadelphia in Neshoba County  
4       where the three so-called Civil Rights Workers were  
5       killed, I have crossed Pearl River on a foot log, I've  
6       spent many wonderful hours in that much lied about  
7       area, it is incredible that anyone should die a  
8       violent death in our state, and certainly I agree  
9       with himon that. We do not know, however, who the  
10      killers are, that's 1964, Members of the Jury, and  
11      he puts it down in here, he doesn't know anything  
12      about it. It may be well that these young men were  
13      sacrificed by their own kind for publicity or other  
14      reasons. Whatever the outcome of the case may be  
15      two observations here are...and he just keeps on  
16      talking about it, and he states that it is reported  
17      that they went to investigate a church burning, were  
18      they despised by some law enforcement agency to be  
19      special investigators. So far as I have been able  
20      to determine they had no authority to be there, they  
21      broke the laws of that county by speeding and they  
22      violated the American constitution of messing in  
23      local affairs in a local community. Of course,  
24      whatever I say about the case is my opinion, I  
25      wouldn't no more go to New York or some other

1 troubled area and tell them how to run their business  
2 than I would tell God how to run the universe. That  
3 is their business, Mississippians rightfully resent  
4 some hairy beatnik from another state visiting our  
5 state with hate and defying out people. It is my  
6 opinion that the so-called workers are not workers  
7 at all, but low-class riff-raff, /misfits in our own  
8 land. If the people of Mississippi need help in  
9 solving our problems we'll call upon those who are  
10 capable of helping. We'll not send for a bum to help  
11 manage our finances or communist to save our govern-  
12 ment. Where is his indictment? Is anything occurred  
13 in a Klan meeting that Wallace Miller testified about,  
14 Delmar Dennis testified about, is any statement like  
15 that put in writing? Do you think your government  
16 condones violation of the law for one person and pays  
17 one to come here and prosecute another who is not  
18 near so guilty. That's not equality under the law,  
19 and I don't think you'll hold by your verdict that it  
20 is.

21 Now, Ladies and Gentlemen of the Jury, the defense  
22 does not have the opportunity any more to talk about  
23 this case. The government has a right to close it,  
24 under our system if his Honor grants that right to  
25 them. Mr. Hauberg may argue this case or he may not.

1 He may not consider this case worth arguing or he  
2 may argue it, but I have a lot of respect for that  
3 man, he's a fine District Attorney, and I think of  
4 him as my friend and I'm his friend, and he has a  
5 lot of talen and persuasiveness and I've heard  
6 him before, but I ask you to please do one thing, and  
7 I believe the Court would ask you to do the same  
8 thing, and that is that you vote your own conviction  
9 in this case. If you happen to be one either in  
10 the majority or the minority you hold to it, and  
11 I say to you that time and expense is of no concern  
12 in this case, certainly you believe that. The  
13 government has shown you that, maybe four million  
14 dollars strong, so time and expense is of no criteria  
15 in this case. Hold to your own convictions. You  
16 air line the evidence and if that evidence or the  
17 lack of that evidence doesn't give rise to that  
18 still small voice, that there is a reasonable doubt,  
19 you just keep it that way and beware, and in justice  
20 may be done. So many/other than Travis Barnett. Its  
21 so much better and I think the law provides that a  
22 thousand guilty ones go free than one innocent defen-  
23 dant here be convicted. I place the welfare of my  
24 clients in your hands. Thank you.

25 BY THE COURT:

1 We'll take a fifteen minute recess.

2 (Whereupon the Court took a recess at 10:20 A. M.)

3 AFTER RECESS:

4 BY MR. COVINGTON:

5 May it please the Court, Member of the Jury. I  
6 represent Doyle Barnett, and I come before you now  
7 to speak for Doyle Barnett. Nine days ago, I was  
8 instrumental in helping pick you as a jury. I  
9 did so because I felt you to be reasonable people.  
10 Now, I want to use my allotted time to walk down the  
11 road of reasoning with you. I want you to walk with  
12 me on that road of reasoning as I give you my analyses  
13 of the case. First, I want to talk with you about  
14 some of the witnesses for the Government. I want  
15 to talk with you, Members of the Jury, because that's  
16 where the government's case started, with their  
17 witnesses. One of the witnesses that impressed me  
18 most was the Reverend Charles Johnson. You will  
19 remember him. He's a part-time preacher, \$200.00  
20 a month. On the government's payroll, \$400.00 a  
21 month. Sum him up, he's a paid witness. That's  
22 what he was. The next witness that I made a note  
23 about was Mr. John Proctor, Special Agent with the  
24 Federal Bureau of Investigation, marked the map,  
25 on the government payroll, sum him up. A paid

1 The next witness, Jay Cochran, Jr. Special Agent  
2 with the Federal Bureau of Investigation. He was  
3 an expert on burned automobiles, burned watches and  
4 a photographer, on the government's payroll. Sum  
5 him up if you will as a paid witness. Next, Mr.  
6 Vincent R. Coyle, Special Agent with the Federal  
7 Bureau of Investigation, all he did was to handle  
8 a package, he's on the government payroll, add him  
9 up, sum him up, he's a paid witness. Next, is Joseph  
10 Lee Gormley, Special Agent, Federal Bureau of In-  
11 vestigation, also a package handler, also on the  
12 government payroll, sum him up - paid witness.  
13 George Berley, Special Agent with the Federal  
14 Bureau of Investigation, lock expert, fire expert,  
15 experts, experts, experts, government payroll, sum  
16 him up, paid witness. Wallace Miller, policeman,  
17 Kleagle and Informer, \$3000 worth of informing, add  
18 him up, paid witness. Dan Bailey, Special Agent  
19 Fingerprint expert examiner, Federal Bureau of  
20 Investigation, government payroll, sum him, paid  
21 witness. Delmar Dennis, preacher, informer, a  
22 \$15,000.00 informer, snake handler, a man whose wife  
23 wouldn't believe him under oath, sum him up, paid  
24 witness. Henry Rask, Special Agent, F. B. I.,  
25 nervous witness, sum him up, paid witness. James



1           Wooten, Special Agent, F. B. I., a very nervous  
2           witness, on the government's payroll, sum him up,  
3           paid witness.

4       BY MR. HAUBERG:

5           May it please the Court, I don't believe Mr. Wooten  
6           actually testified, and we respectfully request the  
7           Court to instruct the Jury.

8       BY THE COURT:

9           Overruled, go along.

10      BY MR. COVINGTON:

11           James Jordan, \$8,000.00 informer, mystery witness,  
12           confessed criminal, a man who no other witness would  
13           believe under oath, sum him up, paid witness. What  
14           have we had here? We've had a government payroll,  
15           that's what we've had. Now, for my client's benefit,  
16           let's take my client's payroll. Let's take Doyle  
17           Barnett's Barnett. Let's take the people he brought.  
18           He brought four people from Bossier Parish, Louisiana,  
19           they thought enough of him because they paid for their  
20           own expense, they came before you as strangers in a  
21           strange place because of their feelings for Doyle  
22           Barnett. They told you openly, they told you frankly  
23           that they knew him to be a person of good character  
24           and reputation. W. E. Waggoner, Sheriff of Bossier  
25           Parish, Louisiana, Chief Law Enforcement Officer,

friend, how many of us could get a man such as this to go and drive seven hours on his own expense to testify for us. His type is not for sale.

Phillip Kircus, Minister, an unpaid witness, a friend, his type is not for sale. You sum him up. J. T. Snyder, business man, friend, his type is not for sale, you add his balance up. James Shaver, business man, long time friend, unpaid witness, you can't find people like him. He's not for sale. That's all in the books.

We've talked a lot today, and there will be more talk about equal rights under the law. The great equalizer, Members of the Jury, is the Jury. You are the great equalizer in a great society. In another few minutes what I've said here will be forgotten and done, but what you say and do here today will never be forgotten. Your action, your decision will determine the future course of Doyle Barnett's life. I can sat down with a clear conscious I've done my job, and I commit Doyle Barnett to you for his life and your conscious.

Now, I want to say something about this confession. I won't pretend that nothing has been said about it, we all know that. The Court will instruct you, and this is the instruction that I, Doyle Barnett's

1 lawyer, want you to listen for because this instruct-  
2 ion to me is the most important instruction that the  
3 Court will give you. The Court will instruct you  
4 that if you believe from the evidence presented from  
5 that witness stand that that statement or confession  
6 was not voluntarily given then you must totally dis-  
7 regard that statement in its entirety. That is the  
8 law that the Court will give you, that is a charge  
9 that he will give you as a Jury.

10 Now, recall if you will, the paid witness, the  
11 Special Agent for the Federal Bureau of Investigation  
12 that testified. Oh yes, we informed him of all of  
13 his rights, certainly, he just came in and sat down  
14 and told us everything. Remember, if you will, when  
15 we questioned him and pressed him what he said. Oh  
16 well, we did talk to him on two or three occasions,  
17 we did stay in a motel room for five or six or seven  
18 hours, there were two of us, there was one of him,  
19 I don't remember if his wife was pregnant or not,  
20 I don't remember if he wanted to go home, he could  
21 have left anytime he wanted to. I don't know  
22 how many times we went over it with him, yes,  
23 I'm a lawyer, that's what he said. No, Mr.  
24 Doyle Barnett is not a lawyer, I'm a trained  
25 investigator, Mr. Doyle Barnett is not a

1 trained investigator. Voluntary or involuntary, that  
2 is the question, that's the only question. There  
3 is not one thread of evidence presented to you to  
4 link Horace Doyle Barnett with any of the charges in  
5 this indictment, with the exception of his confession  
6 or statement provided by a Special Agent for the  
7 Federal Bureau of Investigation, a paid witness. I  
8 followed with great interest, Mr. Doar's opening  
9 statement about the government's interest in this  
10 case, and that the only interest that the government  
11 had in this case was to see that justice was done in  
12 our area, contrary to local authorities have any  
13 power or say so in this case. Mr. Doar was assuming  
14 and he's asking you to assume that no one would do  
15 anything to bring anyone to justice, he would have  
16 you believe that the Federal Government is the  
17 great protector of us all. Think back, if you will,  
18 when the events we've been concerned about here, first  
19 occurred. What federal law was being violated at that  
20 time? The Federal Bureau of Investigation took over  
21 before there was ever any evidence that a crime had  
22 ever been committed. That's an awful big assumption  
23 on their part. I followed, with great interest, Mr.  
24 Doar's statement about how they investigated this case.  
25 Particularly, in regard to Mr. Jordan. He said the

1 government persuaded him to quit running, to tell  
2 the truth, to tell what he knew, how did they persuade  
3 him to quit running? They paid him \$8,000.00, he is  
4 not here being tried with the rest of these men, he's  
5 free, is that their manner of persuasion. Why did  
6 anyone feel it necessary to explain their position?  
7 Why did anyone in a court of law under our American  
8 system of justice think they have to stand before you,  
9 twelve reasonable people, and explain why they are  
10 prosecuting someone? Why did they feel called upon  
11 to do that? He stated further to you that it is not  
12 important who you believed fired the shots, why? This  
13 was a statement made to justify the government the  
14 Federal Government turning James Jordan a loose. You  
15 heard two witnesses testify from that witness stand  
16 that James Jordan told them that he killed them. One  
17 of them, I believe, testified that he killed all three  
18 of them, another testified that he killed the negro.  
19 Then they came and said, turn Travis Barnett a loose,  
20 we made a bad mistake, turn Travis Barnett out, turn  
21 him a loose. I think they made eighteen mistakes. As  
22 I said, my argument is not going to be a long one.  
23 I don't think I can add anything to the elements of  
24 the other attorneys, I only know this, I have watched  
25 you very carefully for nine days, I know you to be

reasonable people, and the Court will instruct you that if there is a reasonable doubt in any of your minds, a reasonable doubt, then you should turn that man a loose. Your' reasonable people and there's no doubt in my mind that there's a doubt in yours.

Thank you.

MR. PIGFORD'S ARGUMENT:

May it please the Court, Members of the Jury, I am still cold. Not from the air conditioning, but it runs cold chills up and down my spine and in my whole being to sit here and see how the government can embarrass people and particularly my own client, whom I know is an innocent man of any conspiracy. It chills my whole being to know what abuse he has taken. How much inconvenience he has been to. What effect it has had on his health, and how it has affected him. What suspicion has been thrown upon him. While I know he is an innocent man of any conspiracy that I have seen any witnesses say anything about this lawsuit. My government's doing it and that's the reason it kills me. It disturbs me and I'm going to be disturbed about it a long time. They say Mr. Akin is involved in a conspiracy because a confessed killer, James Jordan, stated that he got gasoline for his car when he worked for Mr. Akin at the time, to make a

1 trip at the time. That's one connection that Mr. Akin  
2 has with this case. You will remember Mr. D. B.  
3 Burnside, who testified that he was in Mr. Akin's  
4 office on this night and that man has no reason to lie  
5 about it, and he didn't lie about it and he was asked  
6 to recall that and he was perfectly truthful with this  
7 Court and this Jury. He said Mr. Akin asked him to  
8 remember that after Mr. Akin was arrested. He did go  
9 back and try to recollect at that time where he had  
10 been. This was an important occasion for Mr. Burnside.  
11 He was there talking about a gain in occupation. Mr.  
12 Akin was talking to him about hiring him to go open  
13 up another lot in Louisiana. Mr. Burnside had no  
14 reason to lie about that, and I'm sure he satisfied  
15 this jury that he was there at that time on that date  
16 and that Mr. Akin was there. Mr. Burnside also stated  
17 that there was a lot of people around there at this  
18 trailer sales place, he saw nobody come in and make  
19 any telephone calls. There are many places around  
20 this particular place of business where telephone  
21 calls could be made, and if they were made by James  
22 Jordan, they were not made in Mr. Akin's office, nor  
23 he had no connection with them whatsoever. I also  
24 want to call your attention to the fact that the  
25 government attorney said we are going to beg your

1 indulgence, I don't beg your indulgence, I beg your  
2 attention to go over with me further the facts which  
3 the government claim connects Mr. Akin with this  
4 conspiracy. I took voluminous notes on all of the  
5 testimony. I don't find anybody, any witness placing  
6 Mr. Akins in the vicinity of anybody that it says  
7 to have been part of a conspiracy except Wallace Miller  
8 and you remember him. That Mr. Akin, he said now,  
9 attended a meeting at which Mr. Miller was present.  
10 He was asked by the government, one of the government  
11 attorneys, if he was a member of the Klan. He said all  
12 I know is that he attended meetings. No witness has  
13 said, particularly Mr. Miller that he was out swearing  
14 people in and being present when people were sworn in  
15 the Klan. Not even the government's witnesses said  
16 that Mr. Akin was ever sworn in in any Klan, and I  
17 challenge the government's attorney on it, nobody has  
18 said and it's not in this record, all that was said by  
19 Mr. Miller was that he looked around the room at the  
20 government's request and asked him, do you see anybody  
21 in this room that was at any of the meetings you were  
22 in, and he named Mr. Akin on two occasions. What did  
23 they discuss? Klan business. Did they intimidate  
24 anybody? No, and has Mr. Akin ever said anything to  
25 you about these people who it was claimed were inti-



1 midated? No, --has he discussed with you anyone being  
2 intimidated by anybody, no..What else was said?  
3 Now, what about, well, I just can't bring myself to  
4 call him Reverend. He just don't live up to my  
5 ideal of a Minister, now or in the past, so I'll just  
6 have to call him Mr. Mr. Dennis said that Mr. Akin  
7 went up to a meeting in Neshoba County. I asked him  
8 how he knew. Well he said he was in his car when Mr.  
9 Dennis left. How do you know he went there? He said  
10 Well I saw him there. What did he do while he was  
11 there? He stayed in the meeting. I asked him if he  
12 went out when the others went out and he said, no sir,  
13 Mr. Akin remained there. Mr. Dennis was asked if Mr.  
14 Akin ever intimidated anybody or if he knew whether  
15 Mr. Akin made any statement about intimidating any-  
16 body and he answered no. These were his friends, Mr.  
17 Dennis' friends, he joined this organization he says  
18 for a good purpose, but he later admitted that he  
19 went in there on his own good conscious and said I  
20 went in there to try to impose. I say to you that he  
21 is not worthy of belief by a jury, not now, not on  
22 any occasion when he was present. We brought a man  
23 here who lived next to him for three years in the  
24 Pine Springs Community who said his reputation was  
25 bad for truth and veracity, and this witness had no

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reason to lie to this jury. Now, I want to ask you. Could you convict anybody under that state of proof? He can not be convicted on surmise conjecture or such, and I trust that you will see it that way.

MR. HENDRICKS ARGUMENT:

May it please the Court, Members of the Jury, I want to talk with you for just a very few minutes here. I am Tom Hendricks and representing Mr. Akin. I spent twenty-five years in the F. B. I. before I retired and started practicing law. When I cross examined the man about these fingerprints I asked him to show them to you carefully. I say to you again, that this is an example of how desperate the government is to get some proof in this case. They bring a men in here who said this print came from one of those dead people after the doctor said they were so badly decomposed after having been buried underground for six weeks that there was nothing left. They would have to believe that one of those prints is from one of those dead people. They come in here with what they say is a print from the Selective Service record, which is a bunch of bloob to me. They claim they found eight points of identification, which shows one